



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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September 21, 2011

IN REPLY PLEASE
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TO: Each Supervisor

FROM: Gail Farber 
Director of Public Works

BOARD MOTION OF SEPTEMBER 21, 2010, AGENDA ITEM 29 EXPANDED POLYSTYRENE FOOD CONTAINERS – FEASIBILITY OF ADOPTING A RESTRICTION AT BUSINESSES IN UNINCORPORATED COUNTY AREAS QUARTERLY PROGRESS REPORT NO. 4

On September 21, 2010, your Board adopted a prohibition on the purchase and use of expanded polystyrene (EPS) food containers at County operations to take effect 60 days following your action. Your Board also instructed the Director of Public Works and County Counsel to report back, within 12 months of implementing the prohibition, on the feasibility of implementing a restriction on the use of EPS food containers at food service establishments and retail stores in the County unincorporated areas, including potential recommended changes to the County Code.

Your Board further directed Public Works to look at appropriate infrastructure to handle alternative materials as part of its feasibility study, and to provide quarterly updates to your Board as to the progress that is being made. This is the fourth quarterly report.

Evaluation of Prohibition at County Operations

Public Works staff conducted an evaluation of the prohibition of EPS food containers at County operations. All affected departments were contacted, and those that have completed the transition to alternative products reported they have not experienced a significant financial or operational impact. A detailed summary of the departments' assessment of the impact of the EPS ban on their operations will be included in the final report due to your Board in November 2011.

Stakeholder Process

Through collaboration with stakeholders, Public Works has continued to evaluate the feasibility of restricting EPS food containers in the unincorporated County areas. Since the last report on June 23, 2011, the stakeholders working group (Working Group),

consisting of representatives from restaurants and retailers, manufacturers of EPS and alternative food containers, business advocacy organizations, consumer advocacy groups, environmental organizations, waste management agencies, and government agencies, continued to meet to discuss and evaluate potential options for consideration. The Working Group meetings have included numerous presentations by experts from various industries (including the alternative products industry), environmental organizations, restaurant associations, public agencies, and others regarding the environmental and economic impacts of a potential ban on EPS food containers.

The Working Group discussions have provided valuable insights regarding opportunities and challenges for restricting EPS and using alternative food containers. Environmental organization representatives have conveyed the importance of litter prevention and noted that alternative products are widely available. They are in support of banning EPS and also support additional measures to reduce litter such as additional public education and litter collection infrastructure. The plastics industry and restaurant association representatives have expressed concerns regarding the financial impact a ban might have on small food service establishments. They believe EPS provides customers with superior performing food ware at better prices than alternatives and indicated they oppose a ban on EPS. However, along with the environmental groups, they support additional measures to reduce litter, including litter prevention and collection and public education. They have expressed willingness to fund or partner in efforts to educate the public on litter prevention.

Public Works staff, with assistance from the Working Group, has compiled information on the environmental impact of EPS food containers at local beaches and rivers. In addition, Public Works compiled case studies regarding municipalities that have banned EPS, retailer efforts to reduce usage of EPS food containers, efforts to recycle EPS food containers, and local composting efforts. As to date, 51 jurisdictions in California have restricted the use of EPS in some form, including Los Angeles County's prohibition at County operations. Of those, 38 jurisdictions have prohibited food service establishments from utilizing EPS food containers.

Alternatives to EPS, such as paper, other compostable products, aluminum, and plastics (including recyclable plastics), while generally more expensive, are readily available. The environmental benefit of alternatives is maximized if they are recycled or composted. However, some of these alternative products may end up disposed at landfills due to the lack of local composting infrastructure and/or the difficulty in recycling due to contamination.

There are limited studies regarding the economic impact of municipal bans. Typically, studies may identify differences in cost of different products but do not evaluate the impact on business viability/competitiveness. It is estimated that restaurants currently

utilizing EPS food containers may incur \$3,000 to \$5,000 in increased costs if required to switch to other single-use food containers, such as similar paper products. Both the plastics industry and restaurant representatives have expressed strong concerns regarding the impact this would have on the smaller restaurants that currently utilize EPS food containers. Some ordinances adopted by municipalities incorporate hardship provisions that would allow a business to apply for a renewable one-year waiver from the prohibition based on operational or economic hardship. Public Works has no record of any business filing for such a waiver.

Policy Options

As discussed in our June 23 quarterly report, at the request of the Working Group, Public Works has researched the following elements, in developing policy options and recommendations to your Board that would reduce the negative impacts of EPS food containers to the maximum extent feasible:

- Expansion of the current EPS prohibition at County operations to certain retailers
- Recycling of EPS food containers
- Recycling and composting of alternative products
- Education
- Disposal and litter maintenance
- Conversion technologies (waste to energy)
- Fee on EPS or all disposable food containers

Upon consideration of the stakeholder feedback and staff research, Public Works has identified the following four broad policy options:

- Statewide Ban – Pursue passage of a Statewide prohibition on the use of EPS at food service establishments. A Statewide prohibition would provide a uniform policy and maximize the environmental benefits and economies of scale for alternative products.
- County Ban (Unincorporated Areas) – Partially or fully prohibit EPS food containers at certain food service establishments in the unincorporated areas. Components to this proposal would likely include drafting an ordinance, preparing appropriate environmental documentation, conducting an economic study, conducting an educational campaign, and developing an enforcement plan.
- Comprehensive Efforts Other Than a Ban – Implement a combination of the following elements, in partnership with stakeholders:

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- Increasing public education efforts
 - Expanding investment in litter maintenance and infrastructure
 - Expanding recycling and composting
- Continuation of Current Efforts
 - Litter prevention
 - Public education
 - Litter collection and infrastructure
 - Recycling, composting, and other waste diversion strategies

Public Works will continue to solicit the Working Group's input prior to submitting a final report to your Board in November 2011.

NG/td

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cc: Chief Executive Office
County Counsel